

REMARKS

Applicant has carefully reviewed the Final Office Action mailed March 6, 2006 and offers the following remarks to accompany the above amendments.

Status of Claims

Claims 1, 3-13, 15-25, 27-37 remain pending.

Claims 2, 14, and 26 have been cancelled. The limitations of these claims have been included as amendments to independent claims 1, 14, 26, and 37. Thus, the scope of the claims, even with the amendments, were previously presented and considered. No new issues are raised, and these amendments must be entered.

Rejection of Claims 1-37 Under 35 U.S.C. § 112(1)

Claims 1-37 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicant respectfully traverses. The claim language as previously amended is simply stating that when the location of the mobile terminal is determined, the mobile terminal is outside of any parking area or facility. This makes perfect sense in the context of the claimed invention and is not inconsistent with the teachings of the specification. (See, for example, Specification, p. 14, ¶ 0039 as discussed below). The claimed invention determines an area of interest around the location of the mobile terminal once the location is determined. In this manner, parking areas are identified in the vicinity of the location of the mobile terminal according to the area of interest when parking is being sought. Thereafter, available parking within the parking areas or facilities within the area of interest are identified and delivered to the mobile terminal. Available parking is parking spaces within an identified parking area or facility.

The premise of the Patent Office's rejection is that because a mobile terminal can be in a parking area when there are no available parking spaces, this also falls within the limitation of a "location of the mobile terminal being outside of any parking area or facility." Thus, the claim language added is not enabled. This is not correct. The Patent Office seems to be confusing a "parking area" with a parking space or available parking. Parking spaces or available parking are provided in a parking area, but one can be in a parking area without being in a parking space (e.g., the driving aisles between the parking spaces). (Specification, p. 14, ¶ 0039). Thus,

contrary to the Patent Office's assertion, a mobile terminal cannot be outside of the parking area, if the mobile terminal is either in a parking space in a parking area, or in a parking area with all parking spaces being full. Thus, claims 1-37 are enabled, and this rejection must be withdrawn.

Rejection of Claims 1-37 Under 35 U.S.C. § 102(e) - Haynes

Claims 1-37 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,816,085 to Haynes et al. (hereinafter "Haynes"). Applicant respectfully traverses. For a reference to be anticipatory, the reference must disclose each and every claim element. Further, the elements of the reference must be arranged as claimed. MPEP § 2131. The requirement that each and every element be disclosed in the manner claimed is a rigorous standard that the Patent Office has not met in this case.

Applicant has amended each of the independent claims, claims 1, 13, 25, and 37, to add the limitations of dependent claims 2, 14, and 26, respectively. That is, the independent claims and thus all the claims now additionally require that the identified parking areas or facilities be within an "area of interest" that is around the location of the mobile terminal. In this manner, when parking is being sought, an area of interest around the location of the mobile terminal is determined. Parking areas or facilities can then be identified with the vicinity of the mobile terminal or area of interest. The area of interest is selected to encompass a reasonable area in which to locate available parking. (Specification, p. 13, ¶ 0037). For example, if the area of interest is one half of a mile within the location of the mobile terminal, only parking areas or facilities within that one half of a mile are identified. Available parking or parking spaces within the identified parking area and area of interest are then identified and delivered to the mobile terminal. Thus, only available parking within the areas of interest is identified to prevent undesired or unreasonable available parking from being identified.

The Patent Office points to element 4080 in Figure 4 of Haynes when addressing the "area of interest." (See, for example, Final Office Action mailed March 6, 2006, p. 4, addressing claim 2). A careful review of Haynes clearly shows that this limitation is not disclosed, taught, or suggested. Element 4080 in Figure 4 of Haynes relates to reservation of a parking space. (Haynes, col. 13, l. 66 – col. 14, l. 9). As described above, determining an area of interest allows identification of parking areas or facilities to then look for available parking. Reserving a parking space has nothing to do with defining an area of interest where only parking areas in that

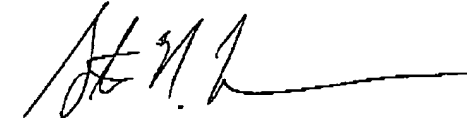
area of interest are checked or identified for available parking. Only once the available parking is identified in parking areas located in the areas of interest, would a reservation even be possible. Thus, all of the claims are not anticipated or obvious in view of Haynes, and this rejection must be withdrawn.

The present application is now in condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact Applicant's representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,

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